Docket No: 01946/100G527-US2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David Gschneidner et al.

Serial No.:

10/750,138

Confirmation No.: 9762

Filed: December 31, 2003

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS

DECLARATION OF DWIGHT B. PECK

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

For:

I, DWIGHT B. PECK, hereby declare and state as follows:

- I am employed as a docketing paralegal at Darby & Darby, P.C. and have I. performed the duties of such position since July 7, 1997. I make this declaration in support of the accompanying "Response to the Notice of Incomplete Reply" submitted in connection with the above-captioned application.
- On September 23, 2004, in the course of my duties as a docketing II. paralegal at Darby & Darby, I prepared an Express Mail package to be submitted to Mail Stop Missing Parts of the U.S. Patent and Trademark Office (USPTO) before midnight of that same day. The contents of that Express Mail package included an abstract for that application.

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Declaration of Dwight B. Peck

Ш. In accordance with the office procedure at Darby & Darby, the paralegal

for the attorney or agent who prepared the papers being transmitted would have brought the

papers to me. The papers would be accompanied by a self-addressed postcard and Certificate of

Express Mailing identifying each of the documents to be filed and the number of pages in each

document.

IV. I would have reviewed the papers for completeness and verified that each

document indicated on both the postcard and Certificate of Express Mailing was present. I

would have also counted the number of pages in each document and verified: (i) that the number

of pages in each document corresponded to the number indicated on the postcard and Certificate

of Express Mailing, and (ii) that no pages were missing from any of the documents.

V. If satisfied, after completing the procedure described in IV above, that all

of the papers were complete and in order for filing, I would have imprinted signed and dated the

Certificate of Express Mailing and would have placed it in a properly addressed postage-paid

Express Mail envelope with the postcard. The envelope would then be sealed, for mailing to the

USPTO. Incomplete or unsigned papers would not have been placed in the envelope, but would

have instead been returned to the attorney or agent who prepared them. At the end of the day, I

would deliver the envelope to our mailroom, where it is stamped and delivered to a postal clerk

at the local post office.

VI. Attached hereto at Exhibit Tab A is a true copy of the Certificate of

Express Mailing that I imprinted with the Express Mail Number EV 367698065 US. Also

attached hereto, at Exhibit Tab A, is a true copy of the return self-addressed postcard which

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accompanied the Response to File Corrected Application Papers. The postcard, which has been

initialed by me and stamped with the same Express Mail Number as the Certificate of Express

Mailing (i.e., EV 367698065 US), indicates that an Abstract consisting of one (1) page was

enclosed. In addition, the postcard has been returned by the mailroom of the USPTO, and has a

PTO mailroom stamp indicating September 23, 2004. This copy is attached as Exhibit C and

shows that the documents itemized on that postcard, including the abstract, was received on that

date.

VII. Based on the upon the presence of the Certificate of Express Mailing that

I signed and the return postcard (Exhibit A) that I initialed, it is my opinion and belief that the

abstract consisting of one page was filed for this application on September 23, 2004 and,

moreover, that the one page abstract was actually received by a representative of the USPTO.

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VIII. I hereby declare that all statements made herein of my knowledge are true

and that all statements made herein on information and belief are believed to be true. I

understand that willful and false statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such

willful false statements may jeopardize the validity of this application or of any patent issuing

therefrom.

Respectfully submitted,

Dated:

DARBY & DARBY, P.C. Post Office Box 5257

New York, N.Y. 10150-5257

Phone (212) 527-7700